



3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
5. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

### **PARTIES**

6. Plaintiff is a natural person who resides in Atwater, Portage County, Ohio.
7. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff.
8. Defendant is a debt collector with an office in Eden Prairie, Minnesota.
9. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

11. Defendant, by and through its agents, employees and/or representatives, constantly and continuously places collection calls to Plaintiff seeking and demanding payment for debt is allegedly owed by Plaintiff's nephew.
12. Plaintiff has repeatedly informed Defendant that Plaintiff does not owe the alleged debt and asked that he not be contacted further regarding said debt.
13. Despite informing Defendant that Plaintiff is not the debtor and to cease contacting Plaintiff, Defendant continuously and repeatedly places collection calls to Plaintiff.

14. Defendant left voicemail messages on Plaintiff's cellular phone voicemail demanding Plaintiff contact Defendant at 888-276-8572.
15. In initial communications with Plaintiff, the Defendant failed to disclose that the calls were from a debt collector.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff; and

WHEREFORE, Plaintiff, MARTIN STALLSMITH, respectfully requests judgment be entered against Defendant, BUREAU OF COLLECTION RECOVERY, INC. for the following:

17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Actual damages,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
21. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, MARTIN STALLSMITH, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk  
Peter Cozmyk,  
Attorney for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO  
COUNTY OF PORTAGE

Plaintiff, MARTIN STALLSMITH, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MARTIN STALLSMITH hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4/14/10  
DATE

Martin Stallsmith  
MARTIN STALLSMITH